

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
Filed: June 17, 2025

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KRISTI GLUNT, * UNPUBLISHED

Petitioner, * No. 19-1692V

v. * Special Master Dorsey

SECRETARY OF HEALTH * Attorneys' Fees and Costs.
AND HUMAN SERVICES, *

Respondent. *

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Bridget Candace McCullough, Muller Brazil PA, Dresher, PA, for Petitioner.
Benjamin Patrick Warder, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION AWARDING ATTORNEYS' FEES AND COSTS¹

On October 31, 2019, Kristi Glunt ("Petitioner")² filed a petition in the National Vaccine Injury Program³ alleging that she suffered a shoulder injury related to vaccine administration ("SIRVA") as a result of an influenza ("flu") vaccine she received on October 2, 2018. Petition at Preamble (ECF No. 1). On October 28, 2024, the undersigned issued a decision based on stipulation. Decision Based on Stipulation dated Oct. 28, 2024 (ECF No. 100).

¹ Because this unpublished Decision contains a reasoned explanation for the action in this case, the undersigned is required to post it on the United States Court of Federal Claims' website and/or at <https://www.govinfo.gov/app/collection/uscourts/national/cofc> in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2018) (Federal Management and Promotion of Electronic Government Services). **This means the Decision will be available to anyone with access to the Internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

² Petitioner changed her name during pendency of this matter.

³ The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-10 to -34 (2018) ("Vaccine Act" or "the Act"). All citations in this Decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

On March 11, 2025, Petitioner filed an application for attorneys' fees and costs. Petitioner's Application for Attorneys' Fees and Costs ("Pet. App."), filed Mar. 11, 2025 (ECF No. 106). Petitioner requests compensation in the amount of \$55,638.44, representing \$40,650.30 in attorneys' fees and \$14,988.14 in costs. *Id.* at 2. Petitioner warrants that she has not personally incurred any costs in pursuit of her claim for compensation. Statement of Pet. Personal Costs, filed Mar. 10, 2025 (ECF No. 105). Respondent filed his response on March 17, 2025, stating he "is satisfied the statutory requirements for an award of attorneys' fees and costs are met in this case." Respondent's Response to Pet. App., filed Mar. 17, 2025, at 2 (ECF No. 107). Petitioner did not file a reply thereafter. The matter is now ripe for disposition.

Petitioner requests the following hourly rates for the work of her counsel: for Ms. Bridget McCullough, \$225.00 per hour for work performed in 2019, \$250.00 per hour for work performed in 2020, \$275.00 per hour for work performed in 2021, \$300.00 per hour for work performed in 2022, \$350.00 per hour for work performed in 2023, \$375.00 per hour for work performed in 2024, and \$400.00 per hour for work performed in 2025; and for Mr. Max Muller, \$325.00 per hour for work performed in 2019, \$400.00 per hour for work performed in 2022, \$425.00 per hour for work performed in 2023. Petitioner also requests rates between \$125.00 and \$177.00 per hour for work of their counsel's paralegals performed between 2019 and 2024.

The undersigned finds these rates consistent with what counsel have previously been awarded for their Vaccine Program work, and finds them to be reasonable herein. The undersigned has also reviewed the submitted billing entries and finds the total number of hours billed to be reasonable and will award them in full.

Lastly, the undersigned has reviewed the requested costs and finds them to be reasonable and supported with appropriate documentation. However, the undersigned finds a reduction of \$2.00 necessary as the filing fee was \$400.00, not \$402.00 in 2019.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. § 15(e). Based on the reasonableness of Petitioner's request, the undersigned **GRANTS IN PART** Petitioner's motion for attorneys' fees and costs.

Accordingly, the undersigned awards:

Petitioner is awarded attorneys' fees and costs in the total amount of \$55,636.44, to be paid through an ACH deposit to Petitioner's counsel's IOLTA account for prompt disbursement.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the Clerk of Court **SHALL ENTER JUDGMENT** in accordance with this Decision.⁴

⁴ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.

IT IS SO ORDERED.

/s/ Nora Beth Dorsey
Nora Beth Dorsey
Special Master